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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>F248-249FP22</b>	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. <b>PCT/JP 03 / 13538</b>	International filing date (day/month/year) <b>23.10.2003</b>	Priority date (day/month/year) <b>24.10.2002</b>
International Patent Classification (IPC) or national classification and IPC Int.Cl. <b>B29C41/28, C08J5/18, G02B5/30</b>		
Applicant <b>Fuji Photo Film Co., Ltd.</b>		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
  - ☐ a total of \_\_\_\_\_ sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - ☐ a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand <b>13.05.2004</b>	Date of completion of this report <b>26.11.2004</b>	
Name and mailing address of the IPEA/JP <b>Japan Patent Office</b> 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer <b>SHOGO OSHIMA</b>	<b>4F 8710</b>
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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP 03 / 13538

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the claims:
- pages \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (specify): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (specify): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (specify): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## Box No. IV Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.  
☒ paid additional fees.  
☐ paid additional fees under protest.  
☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- ☐ complied with.  
☒ not complied with for the following reasons:

The separate inventions < claim 1-4, 11-15, 17-19, claim 5-7, 16 claim 8-11 of invention > are not so linked as to form a single general inventive concept for the following reasons: There is no technical relationship among those inventions involving one or more of the same or corresponding technical features. Therefore, these groups of inventions are not so linked as to form a single general inventive concept.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.  
☐ the parts relating to claims Nos. \_\_\_\_\_

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	<u>1-7</u>	YES
	Claims	<u>8-19</u>	NO
Inventive step (IS)	Claims	<u>5-7</u>	YES
	Claims	<u>1-4, 8-19</u>	NO
Industrial applicability (IA)	Claims	<u>1-19</u>	YES
	Claims		NO

**2. Citations and explanations (Rule 70.7)**

- D1: WO 00/65384 A1 (FUJI PHOTO FILM CO., LTD.)  
2000.11.02, page 75-77, Examples & EP 1182470 A1
- D2: WO 01/88574 A1 (FUJI PHOTO FILM CO., LTD.)  
2001.11.22, claims, exampl 1, 10, 11, 14, 22, 45, 46  
& EP 1300701 A1 & JP 2002-40487 A & JP 2002-71948 A &  
JP 2002-82226 A & JP 2002-139621 A & JP 2002-169023 A
- D3: WO 02/46808 A1 (FUJI PHOTO FILM CO., LTD.) 2002.06.13 exampl 1 &  
EP 1341007 A1 [0222]-[0224] & JP 2002-267840 A
- D4: JP 2002-131549 A (FUJI PHOTO FILM CO., LTD.) 2002.05.09  
claims[0005]-[0049]-[0057] (FAMILY NONE)
- D5: JP 2002-267844 A (FUJI PHOTO FILM CO., LTD.) 2002.09.18  
claims, [0058]-[0061] (FAMILY NONE)
- D6: JP 5-194788 A (FUJI PHOTO FILM CO., LTD.) 1993.08.03  
claims, [162]-[174] (FAMILY NONE)
- D7: JP 2002-127168 A (FUJI PHOTO FILM CO., LTD.) 2002.05.08  
claims, [0025]-[0026] (FAMILY NONE)

The subject matter of claim 1-4, 12 does not appear to involve an inventive step in view of the D1 cited in the ISR and the D2 cited in the same.

Technical features about optical compensation film employing a cellulose acylate film having a mean retardation value, disclosed in D1 and D2 respectively, have the same function and are related to similar technical fields. Therefore, the skilled person in the art would easily conceive the idea of employing the feature retardation control agent in D2 examples 1, 10, 11, 14, 22, 45, 46 to substitute the feature of retardation control agent disclosed in D1.

The subject matter of claim 5-7 is neither disclosed in any of the documents cited in the ISR nor obvious to a person skilled in the art.

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.  
Continuation of: **V. 2**

The subject matter of claim 13-15,17-19 does not meet the requirement of novelty and does not appear to involve an inventive step.

D1 and D2 discloses a product consisting of claim 13-15,17-19 .

The subject matter of claim 8-19 does not meet the requirement of novelty and does not appear to involve an inventive step in view of the D3 cited in the ISR and the D4 cited in the same and D5 cited in the ISR.

The subject matter of claim 8-19 appears to be known from D3 (see exampl 1) or D4(see claims [0005],[0049]-[0057]) or D5(see claims [162]-[174]).

The subject matter of claim 8-13 does not meet the requirement of novelty and does not appear to involve an inventive step in view of the D6 cited in the ISR.

The subject matter of claim 8-13 appears to be known from D6 (see claims [0162]-[0174]).

The subject matter of claim 8-15 appears to be known from D7 (see claims [0025]-[0026]).